



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner
Eisermann et al.) David C. Comstock
Application Serial No. 10/734,041)
Filed December 11, 2003) Ref. No. MSDI-222/
EXPANDABLE INTERVERTEBRAL) PC765.00
IMPLANT) November 3, 2008
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RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated September 5, 2008, please consider the following amendments and remarks. Also, please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 3, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative



Signature

November 3, 2008

Date of Signature

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